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January 26, 2021

VIA ECF

Hon. Judge Katherine P. Failla
United States District Judge
Southern District of New York
40 Centre Street
New York, NY 10007

MEMO ENDORSED

Re: Cruz v. CPT USA LLC; Case No. 1:20-cv-09465-KPF

Dear Judge Failla,

The undersigned represents Plaintiff Shael Cruz (hereinafter “Plaintiff”) in the above-referenced matter.

The initial conference for this matter is set for February 2, 2021 at 4:00 p.m. It is now January 26, 2021 and Defendant has yet to appear. Defendants answer was due January 25, 2021. Plaintiff is in the process of obtaining a Certificate of Default from the Clerk of the Court as to Defendant, CPT USA LLC, and will promptly be moving the Court for a Default Judgment in accordance with its Individual Rules.

In light of the above, the undersigned requests that the February 2nd Conference be adjourned sine die, and further requests that Plaintiff be granted an additional 30 days in which to both obtain said Certificate of Default and present the Court with a Motion for default judgment if Defendant fails to appear.

Thank you for your time and consideration of the above request.

Respectfully submitted,

/s/ Joseph H. Mizrahi
Joseph H. Mizrahi, Esq.

Application GRANTED. The initial pretrial conference scheduled for February 2, 2021, is here ADJOURNED *sine die*. Plaintiff is directed to file a proposed Order to Show Cause for default judgment and supporting paperwork, in accordance with the Court's Individual Rules of Practice in Civil Cases, on or before February 26, 2021.

SO ORDERED.

Dated: January 26, 2021
New York, New York

A handwritten signature in blue ink, reading 'Katherine Polk Failla'.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE